IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Chapter VIII, Rule 32(2) (b)
Description of case

Writ Petition No. 985 of 2002 (S/B)

Date of decision: 12th August, 2004

For the approval of:

Hon'ble Chief Justice V.S. Sirpurkar.

Hon'ble Mr. Justice Irshad Hussain.

- Whether the order/judgment should be sent to the reporters for reporting? ( )

- Whether the reporters be allowed to see the judgment? ( )

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IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 985 of 2002(S/B)

R.S. Rawat ..... Petitioner

Versus

Director General,
Medical Health and family Welfare
Services, Uttaranchal ..... Respondents

.....

Mr. Ramji Srivastava, Advocate, learned counsel for the petitioner
Mr. N.C.Gupta, Standing Counsel, learned counsel for the respondent.

Coram: Hon. V.S.Sirpurkar, C.J.
Hon. Irshad Hussain, J.

Dated: August 12, 2004

(Per Hon'ble Chief Justice)

This writ petition is against the order, by which the petitioner's transfer order was cancelled. The petitioner was originally transferred by the order dated 20.06.2002 from Pauri Garhwal to Dehradun. He went and joined there on 22.06.2002. However vide order dated 27.7.2002 after about a month he joined, his transfer order dated 20.6.2002 was cancelled. Felling aggrieved by that order, the petitioner has filed this petition.

Initially on 6.8.2002, this Court granted the state Government three weeks time to file counter affidavit. However, that counter, it seems, did not come from the State Government. Now, even after two years of time has elapsed, the counter affidavit has not come. However, we do not find any merit in this case because transfer order can always be cancelled by the department. Such order becomes bad in law only if it is mala fide or if it is passed by the officer, who does not have authority to do so. We so not find any such mala fide in the matter. As during the pendency of the writ petition because of interim order, the petitioner has been able to remain at Dehradun for two years, we do not see any merits in the writ petition.

Writ petition is dismissed accordingly.

(Irshad Hussain, J.) **(V.S.Sirpurkar, C.J.)**
12.08.2004 12.08.2004

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